IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 23rd day of December, 2005
Crl. Bail Application No. 1201 of 2005

Order on the Bail Application:

CRIMINAL SIDE

1. Tika Singh S/o Nain Singh,
   R/o Village Devyani, Tehsil Morie
   District Uttarkashi.
2. Jaypal Singh S/o Balam Singh
   R/o Village Dandagaon, Tehsil Morie
   District Uttarkashi.
3. Arjun Singh S/o Vijaypal Singh
   R/o Village Kantari, Tehsil Purola
   District Uttarkashi ……..…... Applicants

Versus

State of Uttaranchal ……..... Opposite Party

Arising out of Crime No. 5/ Purola 05-06
Under Sections: 26 of Forest Act & Section 9, 39 and 51 of Wild Life Protection Act.
Police Station: Barkote
District: Uttarkashi.

Hon'ble P.C. Pant, J.

This a bail application moved on behalf of applicants Tika Singh S/o Nain Singh, Jaypal Singh S/o Balam Singh and Arjun Singh S/o Vijaypal Singh, who are in jail in connection with case No. 5/Purola/2005-06 under Section 26 of Forest Act, and Section 9, 39 and 51 of the Wild Life Protection Act registered at P.S. Barkote, District Uttarkashi.

Heard learned counsel for the applicant and learned A.G.A. for the State.

It is alleged that head, skin and nails of leopard were recovered from the applicants. From the perusal of the F.I.R., it appears that the leopard used to kill cattle and goats of the applicants and, that is why, these villagers got killed the leopard by poisoning it in the jungle. It is argued that, prima facie, if for that reason applicants did it they would not have kept the

above parts of the body of the animals with them. It is further argued that the recovery shown is false and does not even indicate what item was recovered, from whom.

Without expressing any opinion, as to the final merits of the case, this Court is of the view that the applicants in the above circumstances deserve bail. Let the applicants be released on bail on their executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the Chief Judicial Magistrate, Uttarkashi.

Dt. 23.12.2005 **(P.C. Pant, J.)**

HN